

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROHAN A. WALTERS,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-00758
(Criminal No. 2:97-cr-00157-02)

UNITED STATES OF AMERICA,

Respondent.

ORDER


Pending before the court is the petitioner's Application for Relief from Judgment pursuant to 18 U.S.C. §§ 3582(c)(2), 3742(a)(1), and 3742(a)(2). This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's application.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's application.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 4, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE